

REMARKS

Applicant has carefully reviewed the final office action mailed January 31, 2006 and offers the following remarks.

The claimed invention provides for selectively blocking outgoing calls based on blocking criteria configured by a telephony subscriber or representative thereof. When a call is initiated, blocking criteria associated with the telephony terminal from which the call is being initiated are used to determine whether the call should be blocked or allowed to continue. Once a determination is made, a telephony switch or telephony server supporting the telephony terminal either blocks the call or allows the call to continue as dictated by the blocking criteria. The blocking criteria may be based on financial authorization. The subscribers or representatives thereof can easily and efficiently configure the blocking criteria to control whether or not outgoing calls are allowed to continue.

Claims 1-11, 13-31, and 33-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gallant in view of O'Neil. Applicant respectfully traverses. For the Patent Office to combine references in an obviousness rejection, the Patent Office must do two things. First, the Patent Office must articulate a motivation to combine the references, and second, the Patent Office must support the articulated motivation with actual evidence. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Even if the combination is proper, to establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is taught or suggested in the combination of references. MPEP § 2143.03. If the Patent Office cannot establish obviousness, then Applicant is entitled to a patent.

The Patent Office has failed to establish obviousness in light of Gallant and O'Neil for at least two reasons. First, the articulated motivation to combine the references is faulty. Second, the Patent Office has not supported the articulated motivation with *actual* evidence.

Gallant provides a subscriber controlled call processing system. The subscriber can populate a profile which controls call processing options. In contrast, O'Neil effectively provides call control by a prepaid telephone card provider. O'Neil provides a prepaid telephone card system for employing prepaid or credit limited telephone services. Users can purchase prepaid telephone cards and gain access to a telephone network using the prepaid telephone cards. In such systems, blocking criteria is not provided from the subscriber. Any blocking criteria are provided by the card providers and any resulting blocking is effectively controlled by

the card providers – not the subscribers. The prepaid telephone card information is only used to gain access to the telephone network – not to block subsequent calls. The system in O'Neil prevents users from obtaining free access to a telephone network. The claimed invention allows subscribers to control what would otherwise be authorized access. Given the different focuses of Gallant and O'Neil, and the different entities that are effectively controlling call processing, there is no motivation to combine the two references. There is simply no motivation to combine a card provider controlled system with a subscriber controlled system to arrive at the claimed invention.

In addition to the motivation being faulty, the Patent Office has failed to show any *actual* evidence to support the combination. As noted above, the Patent Office must show *actual* evidence of motivation to combine the references. The Patent Office has only made a conclusory statement that it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of O'Neil into the system of Gallant in order to take certain actions, such as disconnecting communications, in response to financial considerations determined by the billing system. This is not *actual* evidence of motivation to combine references as required by Dembiczak. Each of the pending claims 1-11, 13-31, and 33-40 are patentable in light of the failed combination of Gallant and O'Neil. As such, each of the pending claims are now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

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Respectfully submitted,

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